

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MODESTO RODRIGUEZ,

21-CV-8565 (CM) (OTW)

Plaintiff,

-against-

THE CITY OF NEW YORK, WARDEN STEVEN
BASTIAN, OFFICER MICHELLE GONZALEZ,
ANTOINETTE DOUGLAS, and LACHONDA LUCAS,

Defendants.

**DECLARATION OF
JACQUELYN DAINOW IN
SUPPORT OF DEFENDANT
CITY OF NEW YORK'S
MOTION FOR SUMMARY
JUDGMENT**

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JACQUELYN DAINOW, under penalty of perjury, declares pursuant to 28 U.S.C. § 1746, that the following statements are true and correct:

1. I am an Assistant Corporation Counsel in the Office of Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, attorney for Defendant, the City of New York. As such, I am familiar with the facts and circumstances set forth herein.
2. I submit this Declaration in support of Defendant City of New York's motion for summary judgment.
3. Attached hereto as Exhibit "A" is a true and accurate copy of Plaintiff Modesto Rodriguez's Verified Petition for a Writ of *Habeas Corpus*.
4. Attached hereto as Exhibit "B" is a true and accurate copy of Plaintiff Modesto Rodriguez's *Habeas Order*.
5. Attached hereto as Exhibit "C" is a true and accurate copy of the email sent by the New York State Department of Corrections and Community Supervision ("DOCCS") to

the New York City Department of Correction (“DOC”) with an attached parole warrant lift authorization for Plaintiff Modesto Rodriguez on March 31, 2020.

6. Attached hereto as Exhibit “D” is a true and accurate copy of Plaintiff Modesto Rodriguez’ parole warrant lift authorization, dated March 31, 2020, sent by DOCCS to DOC on March 31, 2020, which was attached to the above email.

7. Attached hereto as Exhibit “E” is a true and accurate copy of the transcript of Plaintiff Modesto Rodriguez’s deposition, held on March 17, 2022.

8. Attached hereto as Exhibit “F” is a true and accurate copy of the transcript of former State DOCCS Defendant Antoinette Douglass’ deposition, held on October 20, 2023.

9. Attached hereto as Exhibit “G” is a true and accurate copy of the transcript of State DOCCS Defendant Lachonda Lucas’ deposition, held on October 18, 2023.

10. Attached hereto as Exhibit “H” is a true and accurate copy of the transcript of State DOCCS Defendant Michelle Gonzalez’s deposition, held on October 20, 2023.

11. Attached hereto as Exhibit “I” is a true and accurate copy of the Declaration of DOC Correction Officer (“CO”) Adam Figueroa.

12. Attached hereto as Exhibit “J” is a true and accurate copy of the Declaration of DOC Captain Jamal Rigault.

13. Attached hereto as Exhibit “K” is a true and accurate copy of Plaintiff Modesto Rodriguez’s parole warrant.

14. Attached hereto as Exhibit “L” is a true and accurate copy of Senior New York State Parole Officer Gwendolyn Hogan’s testimony in *Uviles*, 19-cv-03911 (E.D.N.Y. 2023).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
November 27, 2023

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel
of the City of New York
Attorney for Defendant City of New York
100 Church Street
New York, New York 10007
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By: s/Jacquelyn Dainow
Jacquelyn A. Dainow, Esq.
Assistant Corporation Counsel